

601: Access to Residents and Facilities

- A. A LTCO is entitled under both federal and state law to immediate access to all long term care facilities to observe all areas except the living area of any resident who declines, and to visit and talk with all residents, staff, and others.
- B. A LTCO is entitled to communicate privately and without restriction with any resident who consents to the communication. When exercising this right, the LTCO shall:
 - 1. respect the privacy and convenience of the resident. The LTCO should, whenever possible, seek to talk with residents at times convenient to the resident (e.g., not during meal times, bathing times, or during late night hours);
 - 2. when practical, inform the appropriate facility staff member of his/her presence upon entering the facility and his/her intent to visit the residents of the facility. The LTCO should be prepared to show his/her LTCOP identification to facility staff or residents;
 - 3. introduce himself/herself and explain the LTCOP and its services to the resident, family members, and staff; and
 - 4. never seek to intimidate, coerce, or deceive the resident, a family member, or staff into a communication or conversation.
- C. A LTCO shall terminate a conversation or visit with a resident who has expressly declined or withdrawn consent in a direct conversation with the LTCO.
- D. If a LTCO is denied immediate access to a facility or to a resident by a facility employee or agent, the LTCO shall

request of the facility administrator or highest ranking available employee the reason for the denial of access to the facility or to any resident.

1. If the explanation appears reasonable to the LTCO (e.g., the resident is being bathed), the LTCO shall accept the explanation and seek the earliest opportunity to visit the resident or facility.
 2. If the oral explanation does not appear reasonable to the LTCO, or if access is being denied arbitrarily, the LTCO or the Regional Ombudsman shall inform the highest ranking available employee or administrator of the facility of the legal right of the LTCOP to visit the facility and to communicate with residents.
 3. If necessary, the Regional Ombudsman or his/her designee should make an immediate written request to the administrator or other authorized facility representative to explain the reason for the denial of access, specifying the time, date, and name of the facility or particular resident.
- E. When a denial of access continues after the steps listed in Section 601(D) of this Manual are attempted, the Regional Ombudsman or his/her designee, shall:
1. request from the administrator or highest ranking employee available an explanation in writing as to the reasons for the refusal of access to a facility or resident be given to the Regional LTCOP and the Office;
 2. immediately notify the SLTCOP and provide supporting documentation concerning the facility's refusal of access; and
 3. Request that the administrator hold a formal meeting

to discuss the conflict. The Office will be notified and will be responsible for conflict mediation.

- F. The Office, upon notice by the Regional Ombudsman of an unreasonable refusal by the facility to permit access to a resident or a facility, shall consult with the Department's General Counsel to determine all available options to secure residents' access to LTCOP services. After consultation with the General Counsel and the Regional LTCOP, the Office may determine that a prosecution is necessary to protect resident access to LTCOP services. In such cases, the Office shall notify the Director of the problem and attempted resolution strategies. The Director of Aging, in consultation with the Office, shall notify the Office of the Attorney General or the appropriate State's Attorney that an apparent violation of 20 ILCS 105/4.04 has occurred, and request prosecution of the facility for a business offense under that Act. The Regional Ombudsman shall be notified of the Office's actions relative to the Regional LTCOP's report of an unreasonable denial of access to a facility or resident.